

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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**ASPEN TECHNOLOGY, INC.,**

**Plaintiff,**

**v.**

**F/V SOFTWARE, L.L.C.,**

**Defendant.**

**And**

**F/V SOFTWARE, L.L.C.,**

**Plaintiff,**

**Civil Action  
No. 04-11830 PBS**

**ASPEN TECHNOLOGY, INC.,**

**Defendant.**

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**JOINT SCHEDULING STATEMENT**

Pursuant to the Federal Rules of Civil Procedure and Local Rule 16.1, counsel for F/V Software, LLC (“F/V”) and Aspen Technology, Inc. (“Aspen”) have conferred and submit this Joint Scheduling Statement.

These two related actions, Aspen’s Complaint for Declaratory Relief and F/V’s Complaint for Breach of Contract, arise from a Registration Rights Agreement (RRA) entered into by the parties (and others) and the resulting damage, if any, to F/V. The parties agreed that the two actions should be consolidated for all purposes including trial, which shall be a non-jury trial. The parties have not agreed to trial by magistrate judge.

Both parties have submitted a statement of initial disclosures pursuant to FRCP 26(a) and both parties have submitted written settlement proposals. F/V has proposed that the documents identified in the Pre-Trial Order and Supplemental Exhibit and Witness Lists prepared in previous litigation concerning the RRA in the United States District Court for the Eastern District of Louisiana be accepted as discovery responses in this case. F/V will need Aspen to produce these documents. Aspen has agreed with this proposal. Both parties will need additional discovery in this case.

The parties have agreed on and propose the following schedule, which is premised on the Court being able to schedule an anticipated three day trial for mid-January 2007. F/V is amenable to tightening the schedule if an earlier trial date is possible. Aspen believes that the schedule as proposed is reasonable. The parties see no need for phased discovery.

September 1, 2006	Close of factual discovery
October 1, 2006	Exchange of initial expert reports
October 15, 2006	Exchange of rebuttal expert reports
November 1, 2006	Completion of depositions of experts
December 1, 2006	Last date to file dispositive motions
Mid-January, 2007	Three day bench trial on the merits.

Pursuant to Local Rule 16.1(d)(3), counsel for F/V and an authorized representative of F/V hereby certify that they have conferred as to litigation costs, settlement, and alternative dispute resolution techniques. Aspen's certification pursuant to Local Rule 16.1(d)(3), is being submitted with this Joint Scheduling Statement.

Respectfully submitted,

F/V SOFTWARE, L.L.C.,

By its attorneys,

/s/ Timothy N. Schofield

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Timothy N. Schofield (BBO # 645179)  
SCHOFIELD & ASSOCIATES  
6 Beacon Street, Suite 720  
Boston, MA 02108  
Telephone: 617.557.4545  
Facsimile: 617.531.0136

ASPEN TECHNOLOGY, INC.,

By its attorney,

/s/ Justin J. Daniels

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Justin J. Daniels (BBO #656118)  
SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP  
One Beacon Street  
Boston, Massachusetts 02108  
Telephone: 617.573.4800  
Facsimile: 617.573.4822  
E-Mail: jdaniels@skadden.com

/s/ Terrence G. O'Brien

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Terrence G. O'Brien (Bar No. 10147)  
TAGGART, MORTON, OGDEN, STAUB,  
ROUGELOT & O'BRIEN, LLC  
1100 Poydras Street, Suite 2100  
New Orleans, LA 70163-2100  
Telephone: 504.599.8500  
Facsimile: 504.599.8501

/s/ David Erath

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David Erath  
F/V Software, L.L.C.